

SENATE, No. 3218

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED OCTOBER 22, 2015

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Co-Sponsored by:

Senators Addiego and Beck

SYNOPSIS

Makes reforms to mental health treatment; clarifies law governing purchase of firearms by persons with history of mental illness.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/8/2015)

1 AN ACT concerning mental health reform and amending and
2 supplementing various parts of the statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 11 of P.L.1965, c.59 (C.30:4-24.3) is amended to
8 read as follows:

9 11. All certificates, applications, records, and reports made
10 pursuant to the provisions of Title 30 of the Revised Statutes and
11 directly or indirectly identifying any individual **[presently]**
12 currently or formerly receiving services in a noncorrectional
13 institution under Title 30 of the Revised Statutes, or for whom
14 services in a noncorrectional institution shall be sought under this
15 act shall be kept confidential and shall not be disclosed by any
16 person, except insofar as:

17 a. the individual identified or his legal guardian, if any, or, if
18 he is a minor, his parent or legal guardian, shall consent; **[or]**

19 b. disclosure may be necessary to carry out any of the
20 provisions of this act or of article 9 of chapter 82 of Title 2A of the
21 New Jersey Statutes; **[or]**

22 c. a court may direct, upon its determination that disclosure is
23 necessary for the conduct of proceedings before it and that failure to
24 make such disclosure would be contrary to the public interest; **[or]**

25 d. disclosure may be necessary to conduct an investigation into
26 the financial ability to pay of any person receiving services or his
27 chargeable relatives pursuant to the provisions of R.S.30:1-12**[.]** ;

28 e. disclosure is needed to comply with the data reporting
29 provisions of the NICS Improvement Amendments Act of 2007,
30 Pub. L. 110-180, and the Brady Handgun Violence Prevention Act
31 of 1993, Pub. L. 103-159**[.]** ; or

32 f. disclosure may be necessary in connection with the review
33 of an application for expungement pursuant to P.L.1953,
34 c.268 (C:30:4-80.8 et seq.).

35 Nothing in this section shall preclude disclosure, upon proper
36 inquiry, of information as to a patient's current medical condition to
37 any relative or friend or to the patient's personal physician or
38 attorney if it appears that the information is to be used directly or
39 indirectly for the benefit of the patient.

40 Nothing in this section shall preclude the professional staff of a
41 community agency under contract with the Division of Mental
42 Health and Addiction Services in the Department of Human
43 Services, or of a screening service, short-term care or psychiatric
44 facility as those facilities are defined in section 2 of P.L.1987,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 c.116 (C.30:4-27.2) from disclosing information that is relevant to a
2 patient's current treatment to the staff of another such agency.

3 (cf: P.L.2009, c.183, s.4)

4
5 2. Section 2 of P.L.1987, c.116 (C.30:4-27.2) is amended to
6 read as follows:

7 2. As used in P.L.1987, c.116 (C.30:4-27.1 et seq.) and
8 P.L.2009, c.112:

9 a. "Chief executive officer" means the person who is the chief
10 administrative officer of an institution or psychiatric facility.

11 b. "Clinical certificate" means a form prepared by the division
12 and approved by the Administrative Office of the Courts, that is
13 completed by the psychiatrist or other physician who has examined
14 the person who is subject to commitment within three days of
15 presenting the person for involuntary commitment to treatment, and
16 which states that the person is in need of involuntary commitment
17 to treatment. The form shall also state the specific facts upon which
18 the examining physician has based his conclusion and shall be
19 certified in accordance with the Rules of the Court. A clinical
20 certificate may not be executed by a person who is a relative by
21 blood or marriage to the person who is being screened.

22 c. "Clinical director" means the person who is designated by
23 the director or chief executive officer to organize and supervise the
24 clinical services provided in a screening service, short-term care or
25 psychiatric facility. The clinical director shall be a psychiatrist,
26 however, those persons currently serving in the capacity will not be
27 affected by this provision. This provision shall not alter any current
28 civil service laws designating the qualifications of such position.

29 d. "Commissioner" means the Commissioner of Human
30 Services.

31 e. "County counsel" means the chief legal officer or advisor of
32 the governing body of a county.

33 f. "Court" means the Superior Court or a municipal court.

34 g. "Custody" means the right and responsibility to ensure the
35 provision of care and supervision.

36 h. "Dangerous to self" means that by reason of mental illness
37 the person has threatened or attempted suicide or serious bodily
38 harm, or has behaved in such a manner as to indicate that the person
39 is unable to satisfy his need for nourishment, essential medical care
40 or shelter, so that it is probable that substantial bodily injury,
41 serious physical harm or death will result within the reasonably
42 foreseeable future; however, no person shall be deemed to be
43 unable to satisfy his need for nourishment, essential medical care or
44 shelter if he is able to satisfy such needs with the supervision and
45 assistance of others who are willing and available. This
46 determination shall take into account a person's history, recent
47 behavior and any recent act, threat or serious psychiatric
48 deterioration.

- 1 i. “Dangerous to others or property” means that by reason of
2 mental illness there is a substantial likelihood that the person will
3 inflict serious bodily harm upon another person or cause serious
4 property damage within the reasonably foreseeable future. This
5 determination shall take into account a person’s history, recent
6 behavior and any recent act, threat or serious psychiatric
7 deterioration.
- 8 j. “Department” means the Department of Human Services.
- 9 k. “Director” means the chief administrative officer of a
10 screening service, short-term care facility or special psychiatric
11 hospital.
- 12 l. “Division” means the Division of Mental Health and
13 Addiction Services in the Department of Human Services.
- 14 m. (1) “In need of involuntary commitment” or “in need of
15 involuntary commitment to treatment” means that an adult with
16 mental illness, whose mental illness causes the person to be
17 dangerous to self or dangerous to others or property and who is
18 unwilling to accept appropriate treatment voluntarily after it has
19 been offered, needs outpatient treatment or inpatient care at a short-
20 term care or psychiatric facility or special psychiatric hospital
21 because other services are not appropriate or available to meet the
22 person’s mental health care needs.
- 23 (2) “In need of involuntary inpatient commitment” or “in need
24 of involuntary inpatient commitment to treatment” means that an
25 adult with mental illness whose mental illness causes the person to
26 be dangerous to self or dangerous to others or property and who is
27 unwilling to voluntarily accept appropriate treatment after it has
28 been offered, needs inpatient care at a short-term care or psychiatric
29 facility or special psychiatric hospital because other services are not
30 appropriate or available to meet the person’s mental health care
31 needs.
- 32 (3) “In need of involuntary outpatient commitment” or “in need
33 of involuntary outpatient commitment to treatment” means that an
34 adult with mental illness needs outpatient care offered in the
35 community because that person’s mental illness, as demonstrated by
36 recent acts, if untreated, could reasonably result in deterioration of
37 the person’s mental condition to the point at which the person will
38 become dangerous to self or dangerous to others or property and
39 that person is unwilling to voluntarily accept appropriate treatment
40 after it has been offered. A person who otherwise meets the
41 standard for involuntary inpatient commitment may be committed
42 to outpatient treatment in lieu of inpatient treatment if outpatient
43 treatment is deemed sufficient to render the person unlikely to be
44 dangerous to self or dangerous to others or property.
- 45 n. “Institution” means any State or county facility providing
46 inpatient care, supervision and treatment for persons with
47 developmental disabilities; except that with respect to the
48 maintenance provisions of Title 30 of the Revised Statutes,

1 institution also means any psychiatric facility for the treatment of
2 persons with mental illness.

3 o. “Mental health agency or facility” means a legal entity
4 which receives funds from the State, county or federal government
5 to provide mental health services.

6 p. “Mental health screener” means a psychiatrist, psychologist,
7 social worker, registered professional nurse or other individual
8 trained to do outreach only for the purposes of psychological
9 assessment who is employed by a screening service and possesses
10 the license, academic training or experience, as required by the
11 commissioner pursuant to regulation; except that a psychiatrist and
12 a State licensed clinical psychologist who meet the requirements for
13 mental health screener shall not have to comply with any additional
14 requirements adopted by the commissioner.

15 q. “Mental hospital” means, for the purposes of the payment
16 and maintenance provisions of Title 30 of the Revised Statutes, a
17 psychiatric facility.

18 r. “Mental illness” means a current, substantial disturbance of
19 thought, mood, perception or orientation which significantly
20 impairs judgment, capacity to control behavior or capacity to
21 recognize reality, but does not include simple alcohol intoxication,
22 transitory reaction to drug ingestion, organic brain syndrome,
23 dementia, or intellectual or developmental disability [unless it
24 results in the severity of impairment described herein]. The term
25 mental illness [is not limited to “psychosis” or “active psychosis,”
26 but shall include all conditions that result in the severity of
27 impairment described herein] shall not exclude a disturbance that
28 meets this definition if there also is a co-occurring dementia,
29 intellectual disability, or substance use disorder diagnosis.

30 s. “Patient” means a person over the age of 18 who has been
31 admitted to, but not discharged from a short-term care or
32 psychiatric facility, or who has been assigned to, but not discharged
33 from an outpatient treatment provider.

34 t. “Physician” means a person who is licensed to practice
35 medicine in any one of the United States or its territories, or the
36 District of Columbia.

37 u. “Psychiatric facility” means a State psychiatric hospital
38 listed in R.S.30:1-7, a county psychiatric hospital, or a psychiatric
39 unit of a county hospital.

40 v. “Psychiatrist” means a physician who has completed the
41 training requirements of the American Board of Psychiatry and
42 Neurology.

43 w. “Psychiatric unit of a general hospital” means an inpatient
44 unit of a general hospital that restricts its services to the care and
45 treatment of persons with mental illness who are admitted on a
46 voluntary basis.

47 x. “Psychologist” means a person who is licensed as a
48 psychologist by the New Jersey Board of Psychological Examiners.

- 1 y. “Screening certificate” means a clinical certificate executed
2 by a psychiatrist or other physician affiliated with a screening
3 service.
- 4 z. “Screening service” means a public or private ambulatory
5 care service designated by the commissioner, which provides
6 mental health services including assessment, emergency and referral
7 services to persons with mental illness in a specified geographic
8 area.
- 9 aa. “Screening outreach visit” means an evaluation provided by
10 a mental health screener wherever the person may be when
11 clinically relevant information indicates the person may need
12 involuntary commitment to treatment and is unable or unwilling to
13 come to a screening service.
- 14 bb. “Short-term care facility” means an inpatient, community
15 based mental health treatment facility which provides acute care
16 and assessment services to a person with mental illness whose
17 mental illness causes the person to be dangerous to self or
18 dangerous to others or property. A short-term care facility is so
19 designated by the commissioner and is authorized by the
20 commissioner to serve persons from a specified geographic area. A
21 short-term care facility may be a part of a general hospital or other
22 appropriate health care facility and shall meet certificate of need
23 requirements and shall be licensed and inspected by the Department
24 of Health **【and Senior Services】** pursuant to P.L.1971,
25 c.136 (C.26:2H-1 et seq.) and in accordance with standards
26 developed jointly with the Commissioner of Human Services.
- 27 cc. “Special psychiatric hospital” means a public or private
28 hospital licensed by the Department of Health **【and Senior**
29 **Services】** to provide voluntary and involuntary mental health
30 services, including assessment, care, supervision, treatment and
31 rehabilitation services to persons with mental illness.
- 32 dd. “Treatment team” means one or more persons, including at
33 least one psychiatrist or physician, and may include a psychologist,
34 social worker, nurse and other appropriate services providers. A
35 treatment team provides mental health services to a patient of a
36 screening service, outpatient treatment provider, or short-term care
37 or psychiatric facility.
- 38 ee. “Voluntary admission” means that an adult with mental
39 illness, whose mental illness causes the person to be dangerous to
40 self or dangerous to others or property and is willing to be admitted
41 to a facility voluntarily for care, needs care at a short-term care or
42 psychiatric facility because other facilities or services are not
43 appropriate or available to meet the person’s mental health needs. A
44 person may also be voluntarily admitted to a psychiatric facility if
45 his mental illness presents a substantial likelihood of rapid
46 deterioration in functioning in the near future, there are no
47 appropriate community alternatives available and the psychiatric
48 facility can admit the person and remain within its rated capacity.

1 ff. "County adjuster" means the person appointed pursuant to
2 R.S.30:4-34.

3 gg. "Least restrictive environment" means the available setting
4 and form of treatment that appropriately addresses a person's need
5 for care and the need to respond to dangers to the person, others or
6 property and respects, to the greatest extent practicable, the
7 person's interests in freedom of movement and self-direction.

8 hh. "Outpatient treatment" means clinically appropriate care
9 based on proven or promising treatments directed to wellness and
10 recovery, provided by a member of the patient's treatment team to a
11 person not in need of inpatient treatment. Outpatient treatment may
12 include, but shall not be limited to, day treatment services, case
13 management, residential services, outpatient counseling and
14 psychotherapy, and medication treatment.

15 ii. "Outpatient treatment provider" means a community-based
16 provider, designated as an outpatient treatment provider pursuant to
17 section 8 of P.L.1987, c.116 (C.30:4-27.8), that provides or
18 coordinates the provision of outpatient treatment to persons in need
19 of involuntary commitment to treatment.

20 jj. "Plan of outpatient treatment" means a plan for recovery
21 from mental illness approved by a court pursuant to section 17 of
22 P.L.2009, c.112 (C.30:4-27.15a) that is to be carried out in an
23 outpatient setting and is prepared by an outpatient treatment
24 provider for a patient who has a history of responding to treatment.
25 The plan may include medication as a component of the plan;
26 however, medication shall not be involuntarily administered in an
27 outpatient setting.

28 kk. "Reasonably foreseeable future" means a time frame that
29 may be beyond the immediate or imminent, but not longer than a
30 time frame as to which reasonably certain judgments about a
31 person's likely behavior can be reached.

32 (cf: P.L.2009, c.112, s.2)

33

34 3. Section 5 of P.L.1987, c.116 (C.30:4-27.5) is amended to
35 read as follows:

36 5. The commissioner shall adopt rules and regulations pursuant
37 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
38 1 et seq.) regarding a screening service and its staff that effectuate
39 the following purposes and procedures:

40 a. A screening service shall serve as the facility in the public
41 mental health care treatment system wherein a person believed to be
42 in need of involuntary commitment to outpatient treatment, a short-
43 term care facility, psychiatric facility or special psychiatric hospital
44 undergoes an assessment to determine what mental health services
45 are appropriate for the person and where those services may be
46 most appropriately provided in the least restrictive environment.

47 The screening service may provide emergency and consensual
48 treatment to the person receiving the assessment and may transport

1 the person or detain the person up to 24 hours for the purposes of
2 providing the treatment and conducting the assessment.

3 b. When a person is assessed by a mental health screener and
4 involuntary commitment to treatment seems necessary, the screener
5 shall provide, on a screening document prescribed by the division,
6 information regarding the person's history and available alternative
7 facilities and services that are deemed inappropriate for the person.
8 When appropriate and available, and as permitted by law, the
9 screener shall make reasonable efforts to gather information from
10 the person's family or significant others for the purposes of
11 preparing the screening document. If a psychiatrist, in consideration
12 of this document and in conjunction with the psychiatrist's own
13 complete assessment, concludes that the person is in need of
14 commitment to treatment, the psychiatrist shall complete the
15 screening certificate. The screening certificate shall be completed
16 by a psychiatrist except in those circumstances where the division's
17 contract with the screening service provides that another physician
18 may complete the certificate.

19 Upon completion of the screening certificate, screening service
20 staff shall determine, in consultation with the psychiatrist or another
21 physician, as appropriate, the least restrictive environment for the
22 appropriate treatment to which the person shall be assigned or
23 admitted, taking into account the person's prior history of
24 hospitalization and treatment and the person's current mental health
25 condition. Screening service staff shall designate:

26 (1) inpatient treatment for the person **【if he is immediately or**
27 **imminently dangerous or if】** when the person is in need of
28 involuntary inpatient commitment, as defined in paragraph (2) of
29 subsection m. of section 2 of P.L.1987, c.116 (C.30:4-27.2), and
30 outpatient treatment is deemed inadequate to render the person
31 unlikely to be dangerous to self, others or property within the
32 reasonably foreseeable future; and

33 (2) outpatient treatment for the person when the person is in
34 need of involuntary outpatient commitment, as defined in paragraph
35 (3) of subsection m. of section 2 of P.L.1987, c.116 (C.30:4-27.2),
36 and outpatient treatment is deemed sufficient to render the person
37 unlikely to be dangerous to self, others or property 【within the
38 reasonably foreseeable future】.

39 Factors to consider in making a determination pursuant to
40 paragraph (2) of this subsection include whether the person:

41 (a) has a history of lack of compliance with treatment;

42 (b) has demonstrated one or more acts of serious violent
43 behavior to self, others or property;

44 (c) has threatened, or attempted harm, within the past 48
45 months; or

46 (d) is unlikely to voluntarily comply with treatment because of
47 mental illness.

1 If the screening service staff determines that the person is in
2 need of involuntary outpatient commitment to **【outpatient】**
3 treatment, the screening service staff shall consult with an
4 outpatient treatment provider to arrange, if possible, for an
5 appropriate interim plan of outpatient treatment in accordance with
6 section 9 of P.L.2009, c.112 (C.30:4-27.8a).

7 If a person has been admitted three times or has been an inpatient
8 for 60 days at a short-term care facility during the preceding 12
9 months, consideration shall be given to not placing the person in a
10 short-term care facility.

11 The person shall be admitted to the appropriate facility or
12 assigned to the appropriate outpatient treatment provider, as
13 appropriate for treatment, as soon as possible. Screening service
14 staff are authorized to coordinate initiation of outpatient treatment
15 or transport the person or arrange for transportation of the person to
16 the appropriate facility.

17 c. If the mental health screener determines that the person is
18 not in need of assignment or commitment to an outpatient treatment
19 provider, or admission or commitment to a short-term care facility,
20 psychiatric facility or special psychiatric hospital, the screener shall
21 refer the person to an appropriate community mental health or
22 social services agency or appropriate professional or inpatient care
23 in a psychiatric unit of a general hospital.

24 d. A mental health screener shall make a screening outreach
25 visit if the screener determines, based on clinically relevant
26 information provided by an individual with personal knowledge of
27 the person subject to screening, that the person may need
28 involuntary commitment to treatment and the person is unwilling or
29 unable to come to the screening service for an assessment.

30 e. If the mental health screener pursuant to this assessment
31 determines that there is reasonable cause to believe that a person is
32 in need of involuntary commitment to treatment, the screener shall
33 so certify the need on a form prepared by the division.

34 (cf. P.L.2009, c.112, s.5)

35

36 4. Section 17 of P.L.2009, c.112 (C.30:4-27.15a) is amended to
37 read as follows:

38 17. a. The court shall determine whether a patient who has been
39 found to need continued involuntary commitment to treatment
40 pursuant to section 15 of P.L.1987, c.116 (C.30:4-27.15) should be
41 assigned to an outpatient setting or admitted to an inpatient setting
42 for treatment, and shall issue the order authorizing such placement
43 pursuant to section 15 of P.L.1987, c.116 (C.30:4-27.15), in
44 accordance with this section. In determining the commitment
45 placement, the court shall consider the least restrictive environment
46 for the patient to receive clinically appropriate treatment that would
47 ameliorate the danger posed by the patient and provide the patient
48 with appropriate treatment.

1 b. If the court determines that the least restrictive environment
2 for the patient to receive clinically appropriate treatment would be
3 in an outpatient setting and that there is a likelihood of the patient
4 responding to outpatient treatment, the court shall obtain from a
5 designated outpatient treatment provider a proposed plan of
6 outpatient treatment for the patient which the court shall review.
7 The plan of outpatient treatment shall be approved by the court.

8 c. If the court determines that the least restrictive environment
9 for the patient to receive clinically appropriate treatment would be
10 in an inpatient setting, the court shall issue an order for admission
11 to a psychiatric facility.

12 d. The court may enter a temporary order for involuntary
13 outpatient commitment pursuant to P.L.1987, c.116 (C.30:4-27.1 et
14 seq.), subject to an initial period of treatment in a short term care
15 facility, if the court determines that the following criteria are met:

16 (1) the patient at the time of the order is in need of involuntary
17 inpatient commitment pursuant to paragraph (2) of subsection m. of
18 section 2 of P.L.1987, c.116 (C.30:4-27.2);

19 (2) the patient has a history of stabilizing after a brief
20 hospitalization; and

21 (3) an outpatient treatment provider has agreed to accept the
22 patient for treatment and has submitted with the clinical certificates
23 a proposed plan of outpatient treatment that is acceptable to the
24 court.

25 The order shall further provide that the patient's commitment
26 status shall convert to outpatient commitment when and if the
27 patient's condition, in the discretion of the treating inpatient
28 psychiatrist, improves so that the patient no longer meets the
29 criteria for inpatient commitment but is still in need of commitment
30 to treatment in an involuntary outpatient treatment program. The
31 initial commitment date, for purposes of scheduling the hearing
32 required pursuant to section 12 of P.L.1987, c.116 (C.30:4-27.12),
33 shall be the date of admission to the inpatient facility.

34 The court also may enter an order to convert the patient's
35 commitment status from involuntary outpatient commitment to
36 involuntary inpatient commitment when and if the patient's
37 condition, in the discretion of the treating outpatient psychiatrist,
38 deteriorates such that the patient no longer can be sufficiently
39 treated in an outpatient setting.

40 e. Between the time periods for periodic court review hearings
41 pursuant to section 16 of P.L.1987, c.116 (C.30:4-27.16), the chief
42 executive officer of a psychiatric facility may recommend changing
43 the placement of the patient from an inpatient to outpatient setting,
44 in order to ensure that the patient receives clinically appropriate
45 treatment in the least restrictive environment. The chief executive
46 officer of the facility shall require hospital staff to apply for the
47 patient's admission to the outpatient treatment program and if the
48 patient is accepted to create, with the outpatient treatment provider,

1 a treatment plan with input from the patient, and notify the court of
2 the recommendation for the change in placement. The court shall
3 schedule a hearing within 10 days of the notice.

4 **【e.】** f. At the time the court sets the date for a hearing on the
5 change in placement, notice of the hearing shall be served upon the
6 patient, the patient's guardian, if any, the patient's next-of-kin, the
7 patient's attorney and the county adjuster of the county in which the
8 patient has legal settlement.

9 **【f.】** g. The provisions of section 14 of P.L.1987, c.116 (C.30:4-
10 27.14) concerning patient rights at a hearing shall apply to the
11 hearing pursuant to this subsection.

12 (cf: P.L.2009, c.112, s.17)

13
14 5. Section 2 of P.L.1953, c.268 (C.30:4-80.9) is amended to
15 read as follows:

16 2. a. Upon reading and filing **【such】** the petition, the court
17 shall by order fix a time, not less than 10 nor more than 30 days
18 thereafter, for the hearing of **【such】** the matter**【,】** and a copy of
19 **【which】** the order shall be served by the petitioner upon the county
20 adjuster of the county and upon the medical director of the
21 institution or facility to which such person was committed or upon
22 the party or parties who applied for the determination that the
23 person be found to be a danger to himself, others, or property, or
24 determined to be an incapacitated individual as defined in
25 N.J.S.3B:1-2**【, and at】** .

26 A petitioner seeking relief under section 1 of P.L.1953,
27 c.268 (C.30:4-80.8) also shall serve a copy of the order upon the
28 following persons:

29 (1) if the petitioner is a resident of New Jersey, the Attorney
30 General; the county prosecutor of the county in which the petitioner
31 was committed; the chief of police of the municipality in which the
32 petitioner resides, or the Superintendent of State Police if there is
33 no police force; and the chief of police of the municipality in which
34 the petitioner resided at the time of commitment or the
35 superintendent if there is no police force; or

36 (2) if the petitioner is not a resident of New Jersey, the Attorney
37 General of the state and the chief of police of the county or
38 municipality where the petitioner currently resides.

39 b. At the time so appointed, or to which it may be adjourned,
40 the court shall hear evidence as to: the circumstances of why the
41 commitment or determination was imposed upon the petitioner, the
42 petitioner's mental health record and criminal history, and the
43 petitioner's reputation in the community. If the court finds that the
44 petitioner will not likely act in a manner dangerous to the public
45 safety and finds that the grant of relief is not contrary to the public
46 interest, the court shall grant such relief for which the petitioner has

1 applied and, an order directing the clerk of the court to expunge
2 such commitment from the records of the court.

3 (cf: P.L.2009, c.183, s.2)

4
5 6. N.J.S.2C:58-3 is amended to read as follows:

6 2C:58-3. a. Permit to purchase a handgun. No person shall
7 sell, give, transfer, assign or otherwise dispose of, nor receive,
8 purchase, or otherwise acquire a handgun unless the purchaser,
9 assignee, donee, receiver or holder is licensed as a dealer under this
10 chapter or has first secured a permit to purchase a handgun as
11 provided by this section.

12 b. Firearms purchaser identification card. No person shall sell,
13 give, transfer, assign or otherwise dispose of nor receive, purchase
14 or otherwise acquire an antique cannon or a rifle or shotgun, other
15 than an antique rifle or shotgun, unless the purchaser, assignee,
16 donee, receiver or holder is licensed as a dealer under this chapter
17 or possesses a valid firearms purchaser identification card, and first
18 exhibits said card to the seller, donor, transferor or assignor, and
19 unless the purchaser, assignee, donee, receiver or holder signs a
20 written certification, on a form prescribed by the superintendent,
21 which shall indicate that he presently complies with the
22 requirements of subsection c. of this section and shall contain his
23 name, address and firearms purchaser identification card number or
24 dealer's registration number. The said certification shall be retained
25 by the seller, as provided in paragraph (4) of subsection a. of
26 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may
27 be filed with the chief of police of the municipality in which he
28 resides or with the superintendent.

29 c. Who may obtain. No person of good character and good
30 repute in the community in which he lives, and who is not subject to
31 any of the disabilities set forth in this section or other sections of
32 this chapter, shall be denied a permit to purchase a handgun or a
33 firearms purchaser identification card, except as hereinafter set
34 forth. No handgun purchase permit or firearms purchaser
35 identification card shall be issued:

36 (1) To any person who has been convicted of any crime, or a
37 disorderly persons offense involving an act of domestic violence as
38 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
39 not armed with or possessing a weapon at the time of such offense;

40 (2) To any drug dependent person as defined in section 2 of
41 P.L.1970, c.226 (C.24:21-2), to any person who is currently
42 confined for a mental disorder **】**to a hospital, mental institution or
43 sanitarium**】** as a voluntary admission as defined in subsection ee. of
44 section 2 of P.L.1987, c.116 (C.30:4-27.2) or involuntarily
45 committed to inpatient or outpatient treatment pursuant to P.L.1987,
46 c.116 (C.30:4-27.1 et seq.), or to any person who is presently an
47 habitual drunkard;

1 (3) To any person who suffers from a physical defect or disease
2 which would make it unsafe for him to handle firearms, to any
3 person who has ever been confined for a mental disorder as a
4 voluntary admission as defined in subsection ee. of section 2 of
5 P.L.1987, c.116 (C.30:4-27.2), or to any alcoholic unless any of the
6 foregoing persons produces a certificate of a medical doctor or
7 psychiatrist licensed in New Jersey, or other satisfactory proof, that
8 he is no longer suffering from that particular disability in such a
9 manner that would interfere with or handicap him in the handling of
10 firearms; to any person who knowingly falsifies any information on
11 the application form for a handgun purchase permit or firearms
12 purchaser identification card;

13 (4) To any person under the age of 18 years for a firearms
14 purchaser identification card and to any person under the age of 21
15 years for a permit to purchase a handgun;

16 (5) To any person where the issuance would not be in the
17 interest of the public health, safety or welfare;

18 (6) To any person who is subject to a restraining order issued
19 pursuant to the "Prevention of Domestic Violence Act of 1991,"
20 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
21 possessing any firearm;

22 (7) To any person who as a juvenile was adjudicated delinquent
23 for an offense which, if committed by an adult, would constitute a
24 crime and the offense involved the unlawful use or possession of a
25 weapon, explosive or destructive device or is enumerated in
26 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

27 (8) To any person whose firearm is seized pursuant to the
28 "Prevention of Domestic Violence Act of 1991," P.L.1991,
29 c.261 (C.2C:25-17 et seq.) and whose firearm has not been
30 returned; **[or]**

31 (9) To any person named on the consolidated Terrorist
32 Watchlist maintained by Terrorist Screening Center administered by
33 the Federal Bureau of Investigation; or

34 (10) To any person who has previously been involuntarily
35 committed to inpatient or outpatient treatment pursuant to
36 P.L. 1987, c.116 (C.30:4-27.1 et seq.), unless the Superior Court
37 judge who ordered the involuntary commitment or the assignment
38 judge of the county in which the person resides if the judge who
39 ordered the involuntary commitment is not available, determines,
40 based upon a certificate of a medical doctor or psychiatrist licensed
41 in New Jersey or other satisfactory proof, that the person no longer
42 suffers from the disability that resulted in the involuntary
43 commitment in such a manner as to make issuance contrary to the
44 interest of the public health, safety, or welfare.

45 d. Issuance. The chief of police of an organized full-time
46 police department of the municipality where the applicant resides or
47 the superintendent, in all other cases, shall upon application, issue
48 to any person qualified under the provisions of subsection c. of this

1 section a permit to purchase a handgun or a firearms purchaser
2 identification card.

3 Any person aggrieved by the denial of a permit or identification
4 card may request a hearing in the Superior Court of the county in
5 which he resides if he is a resident of New Jersey or in the Superior
6 Court of the county in which his application was filed if he is a
7 nonresident. The request for a hearing shall be made in writing
8 within 30 days of the denial of the application for a permit or
9 identification card. The applicant shall serve a copy of his request
10 for a hearing upon the chief of police of the municipality in which
11 he resides, if he is a resident of New Jersey, and upon the
12 superintendent in all cases. The hearing shall be held and a record
13 made thereof within 30 days of the receipt of the application for
14 such hearing by the judge of the Superior Court. No formal pleading
15 and no filing fee shall be required as a preliminary to such hearing.
16 Appeals from the results of such hearing shall be in accordance with
17 law.

18 e. Applications. Applications for permits to purchase a
19 handgun and for firearms purchaser identification cards shall be in
20 the form prescribed by the superintendent and shall set forth the
21 name, residence, place of business, age, date of birth, occupation,
22 sex and physical description, including distinguishing physical
23 characteristics, if any, of the applicant, and shall state whether the
24 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
25 drug dependent person as defined in section 2 of P.L.1970,
26 c.226 (C.24:21-2), whether he has ever been confined or committed
27 to a mental institution or hospital for treatment or observation of a
28 mental or psychiatric condition on a temporary, interim or
29 permanent basis, giving the name and location of the institution or
30 hospital and the dates of such confinement or commitment, whether
31 he has been attended, treated or observed by any doctor or
32 psychiatrist or at any hospital or mental institution on an inpatient
33 or outpatient basis for any mental or psychiatric condition, giving
34 the name and location of the doctor, psychiatrist, hospital or
35 institution and the dates of such occurrence, whether he presently or
36 ever has been a member of any organization which advocates or
37 approves the commission of acts of force and violence to overthrow
38 the Government of the United States or of this State, or which seeks
39 to deny others their rights under the Constitution of either the
40 United States or the State of New Jersey, whether he has ever been
41 convicted of a crime or disorderly persons offense, whether the
42 person is subject to a restraining order issued pursuant to the
43 "Prevention of Domestic Violence Act of 1991," P.L.1991,
44 c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing
45 any firearm, and such other information as the superintendent shall
46 deem necessary for the proper enforcement of this chapter. For the
47 purpose of complying with this subsection, the applicant shall
48 waive any statutory or other right of confidentiality relating to

1 institutional confinement. The application shall be signed by the
2 applicant and shall contain as references the names and addresses of
3 two reputable citizens personally acquainted with him.

4 Application blanks shall be obtainable from the superintendent,
5 from any other officer authorized to grant such permit or
6 identification card, and from licensed retail dealers.

7 The chief police officer or the superintendent shall obtain the
8 fingerprints of the applicant and shall have them compared with any
9 and all records of fingerprints in the municipality and county in
10 which the applicant resides and also the records of the State Bureau
11 of Identification and the Federal Bureau of Investigation, provided
12 that an applicant for a handgun purchase permit who possesses a
13 valid firearms purchaser identification card, or who has previously
14 obtained a handgun purchase permit from the same licensing
15 authority for which he was previously fingerprinted, and who
16 provides other reasonably satisfactory proof of his identity, need not
17 be fingerprinted again; however, the chief police officer or the
18 superintendent shall proceed to investigate the application to
19 determine whether or not the applicant has become subject to any of
20 the disabilities set forth in this chapter.

21 f. Granting of permit or identification card; fee; term; renewal;
22 revocation. The application for the permit to purchase a handgun
23 together with a fee of \$2, or the application for the firearms
24 purchaser identification card together with a fee of \$5, shall be
25 delivered or forwarded to the licensing authority who shall
26 investigate the same and, unless good cause for the denial thereof
27 appears, shall grant the permit or the identification card, or both, if
28 application has been made therefor, within 30 days from the date of
29 receipt of the application for residents of this State and within 45
30 days for nonresident applicants. A permit to purchase a handgun
31 shall be valid for a period of 90 days from the date of issuance and
32 may be renewed by the issuing authority for good cause for an
33 additional 90 days. A firearms purchaser identification card shall be
34 valid until such time as the holder becomes subject to any of the
35 disabilities set forth in subsection c. of this section, whereupon the
36 card shall be void and shall be returned within five days by the
37 holder to the superintendent, who shall then advise the licensing
38 authority. Failure of the holder to return the firearms purchaser
39 identification card to the superintendent within the said five days
40 shall be an offense under subsection a. of N.J.S.2C:39-10. Any
41 firearms purchaser identification card may be revoked by the
42 Superior Court of the county wherein the card was issued, after
43 hearing upon notice, upon a finding that the holder thereof no
44 longer qualifies for the issuance of such permit. The county
45 prosecutor of any county, the chief police officer of any
46 municipality or any citizen may apply to such court at any time for
47 the revocation of such card.

1 There shall be no conditions or requirements added to the form
2 or content of the application, or required by the licensing authority
3 for the issuance of a permit or identification card, other than those
4 that are specifically set forth in this chapter.

5 g. Disposition of fees. All fees for permits shall be paid to the
6 State Treasury if the permit is issued by the superintendent, to the
7 municipality if issued by the chief of police, and to the county
8 treasurer if issued by the judge of the Superior Court.

9 h. Form of permit; quadruplicate; disposition of copies. The
10 permit shall be in the form prescribed by the superintendent and
11 shall be issued to the applicant in quadruplicate. Prior to the time he
12 receives the handgun from the seller, the applicant shall deliver to
13 the seller the permit in quadruplicate and the seller shall complete
14 all of the information required on the form. Within five days of the
15 date of the sale, the seller shall forward the original copy to the
16 superintendent and the second copy to the chief of police of the
17 municipality in which the purchaser resides, except that in a
18 municipality having no chief of police, such copy shall be
19 forwarded to the superintendent. The third copy shall then be
20 returned to the purchaser with the pistol or revolver and the fourth
21 copy shall be kept by the seller as a permanent record.

22 i. Restriction on number of firearms person may purchase.
23 Only one handgun shall be purchased or delivered on each permit
24 and no more than one handgun shall be purchased within any 30-
25 day period, but this limitation shall not apply to:

26 (1) a federal, State or local law enforcement officer or agency
27 purchasing handguns for use by officers in the actual performance
28 of their law enforcement duties;

29 (2) a collector of handguns as curios or relics as defined in Title
30 18, United States Code, section 921 (a) (13) who has in his
31 possession a valid Collector of Curios and Relics License issued by
32 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

33 (3) transfers of handguns among licensed retail dealers,
34 registered wholesale dealers and registered manufacturers;

35 (4) transfers of handguns from any person to a licensed retail
36 dealer or a registered wholesale dealer or registered manufacturer.

37 (5) any transaction where the person has purchased a handgun
38 from a licensed retail dealer and has returned that handgun to the
39 dealer in exchange for another handgun within 30 days of the
40 original transaction, provided the retail dealer reports the exchange
41 transaction to the superintendent; or

42 (6) any transaction where the superintendent issues an
43 exemption from the prohibition in this subsection pursuant to the
44 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

45 The provisions of this subsection shall not be construed to afford
46 or authorize any other exemption from the regulatory provisions
47 governing firearms set forth in chapter 39 and chapter 58 of Title
48 2C of the New Jersey Statutes;

1 A person shall not be restricted as to the number of rifles or
2 shotguns he may purchase, provided he possesses a valid firearms
3 purchaser identification card and provided further that he signs the
4 certification required in subsection b. of this section for each
5 transaction.

6 j. Firearms passing to heirs or legatees. Notwithstanding any
7 other provision of this section concerning the transfer, receipt or
8 acquisition of a firearm, a permit to purchase or a firearms
9 purchaser identification card shall not be required for the passing of
10 a firearm upon the death of an owner thereof to his heir or legatee,
11 whether the same be by testamentary bequest or by the laws of
12 intestacy. The person who shall so receive, or acquire said firearm
13 shall, however, be subject to all other provisions of this chapter. If
14 the heir or legatee of such firearm does not qualify to possess or
15 carry it, he may retain ownership of the firearm for the purpose of
16 sale for a period not exceeding 180 days, or for such further limited
17 period as may be approved by the chief law enforcement officer of
18 the municipality in which the heir or legatee resides or the
19 superintendent, provided that such firearm is in the custody of the
20 chief law enforcement officer of the municipality or the
21 superintendent during such period.

22 k. Sawed-off shotguns. Nothing in this section shall be
23 construed to authorize the purchase or possession of any sawed-off
24 shotgun.

25 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to
26 the sale or purchase of a visual distress signalling device approved
27 by the United States Coast Guard, solely for possession on a private
28 or commercial aircraft or any boat; provided, however, that no
29 person under the age of 18 years shall purchase nor shall any person
30 sell to a person under the age of 18 years such a visual distress
31 signaling device.

32 (cf: P.L.2013, c.114, s.1)

33

34 7. (New section) a. The Department of Law and Public
35 Safety, in collaboration with the Department of Human Services,
36 shall adopt or endorse a training curriculum for law enforcement
37 officers on police interactions with persons with behavioral health
38 issues, including persons who may have a mental illness, substance
39 use disorder, or a co-occurring diagnosis of mental illness and
40 substance use disorder.

41 b. The curriculum shall include information on the recognition
42 of behavioral symptoms, as well as de-escalation and intervention
43 techniques. The curriculum shall include but need not be limited to
44 the following subjects:

45 (1) identification and recognition of different forms of
46 behavioral health disorders or issues;

47 (2) techniques for law enforcement to intervene with, interview,
48 de-escalate, and assess a person who may have such a disorder;

- 1 (3) issues relating to suicide and prevention techniques;
2 (4) recognition, identification, and understanding of the main
3 effects of commonly prescribed prescription medications used to
4 treat those who may have a behavioral health disorder;
5 (5) an overview of community resources and options for
6 treatment, including identification of local resources;
7 (6) methods of determining appropriate treatment options and
8 transfer thereto in collaboration with behavioral health entities; and
9 (7) standards utilized in New Jersey for involuntary
10 commitment to inpatient and outpatient treatment.
11 c. The Attorney General may issue guidelines or directives
12 regarding the provision of this training to law enforcement officers.
13

14 8. Sections 1 and 5 of this act shall take effect immediately and
15 the remainder of this act shall take effect on the first day of the
16 thirteenth month following enactment.
17

18 19 STATEMENT 20

21 This bill establishes a separate standard for involuntary
22 commitment to outpatient treatment. It includes a requirement that
23 adults with mental illness need outpatient care in the community
24 because their mental illness, as demonstrated by recent acts, could,
25 if untreated, deteriorate to the point of dangerousness to themselves,
26 others, or property.

27 Factors to be considered by mental health screeners when
28 recommending involuntary outpatient commitment under the bill
29 include whether the person: has a history of lack of compliance with
30 treatment; has demonstrated acts of serious violent behavior to self,
31 others, or property; has threatened or attempted harm within the
32 past four years; or is unlikely to voluntarily comply with treatment
33 because of a mental illness.

34 The bill also sets forth criteria the court is required to meet to
35 issue a temporary order for involuntary outpatient commitment after
36 an initial period of treatment in a short-term care facility.

37 The bill further streamlines the transfer by the court of patients
38 between involuntary inpatient and outpatient treatment care.

39 Additionally, the bill clarifies that a permit to purchase a
40 handgun or firearms purchaser identification card is not to be issued
41 to any applicant who: (1) is currently involuntarily or voluntarily
42 confined for a mental disorder; (2) has previously been voluntarily
43 civilly committed for a mental disorder unless the applicant
44 produces a certificate from a licensed medical doctor or psychiatrist
45 attesting that the applicant is no longer suffering from the disability
46 in such a manner that would interfere with or handicap the applicant
47 in handling firearms; or (3) has previously been involuntarily
48 committed to inpatient or outpatient treatment for a mental disorder,

1 unless the judge who ordered the commitment determines, based on
2 a certificate from a licensed medical doctor or psychiatrist, that the
3 person no longer suffers from the disability that resulted in the
4 commitment in such a manner as to make issuance contrary to the
5 interest of the public health, safety, or welfare.

6 The bill also establishes a procedure for notifying appropriate
7 law enforcement officials when a person applies to the court to have
8 expunged a record of civil commitment. Law enforcement officers
9 may have information not readily accessible to the court, such as
10 pending charges, the purchaser's criminal history, or any aberrant
11 behavior within the community that would assist in the court's
12 decision whether to grant the expungement.

13 Finally, the bill requires the Department of Law and Public
14 Safety, in collaboration with the Department of Human Services, to
15 establish a training program for law enforcement officers to educate
16 those most likely to encounter persons in crisis on police
17 interactions with persons with behavioral health issues. The
18 training program curriculum is to include information on
19 identifying and recognizing different forms of behavioral health
20 disorders or issues; techniques for intervening with, interviewing,
21 de-escalating, and assessing a person who may have such a
22 disorder; issues relating to suicide and prevention techniques;
23 recognizing, identifying, and understanding the main effects of
24 commonly prescribed prescription medications used to treat those
25 who may have a behavioral health disorder; community resources
26 and options for treatment, including identification of local
27 resources; methods of determining appropriate treatment options;
28 and standards utilized in New Jersey for involuntary commitment to
29 inpatient and outpatient treatment.